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12 PROTECTION ALLIANCE

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 CALIFORNIA SPORTFISHING  
16 PROTECTION ALLIANCE, a non-profit  
corporation;

17 Plaintiff,

18 vs.

19 TRENCH PLATE RENTAL  
20 COMPANY, a corporation;

21 Defendant.

Case No. C-07-4130-CRB

**NOTICE OF SETTLEMENT**

(Federal Water Pollution Control Act, 33  
U.S.C. §§ 1251 to 1387)

Complaint Filed: August 10, 2007  
Hon. Charles R. Breyer

1 TO THE CLERK OF THE COURT, ANY INTERESTED PARTIES, AND THEIR  
2 ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that the parties to the above-captioned Clean Water Act  
4 citizen suit have reached a settlement. That settlement is contingent upon the expiration of  
5 the federal agency 45-day review period.<sup>1</sup>

6 PLEASE TAKE FURTHER NOTICE that, in accordance with federal law, no  
7 judgment disposing of this action may be entered prior to 45 days following the receipt of the  
8 proposed settlement agreement by the United States Department of Justice and the national  
9 and Region IX offices of the United States Environmental Protection Agency. *See* 40 C.F.R.  
10 § 135.5 (requiring the parties to provide notice to the court of the 45-day agency review  
11 period under 33 U.S.C. § 1365(c)). The regulatory agencies' review period will end by  
12 approximately February 5, 2008 (allowing forty-five days for agency review and  
13 approximately eight days for mailing time). If any of the reviewing agencies object to the  
14 proposed agreement, the parties would require additional time to meet and confer and  
15 attempt to resolve the agencies' concerns. Consequently, the parties submit that good cause  
16 exists to set February 15, 2008, as the date by which a Stipulation for Approval of Consent  
17 Agreement and Dismissal of Plaintiff's Claims With Prejudice or a Notice that the settlement  
18 is null and void, must be filed.

19 Date: December 13, 2007

LAW OFFICES OF ANDREW L. PACKARD

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22 Michael P. Lynes  
23 Attorneys for Plaintiff  
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26 <sup>1</sup> Title 33 of the United States Code Section 1365(c) provides that "[n]o consent judgment shall be  
27 entered in an action in which the United States is not a party prior to 45-days following the receipt of  
28 a copy of the proposed consent judgment by the Attorney General and the Administrator."